IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION

SHARON DONALDSON,)	
Plaintiff,)	CIVIL NO. 3:06CV519
v.)	
MICHAEL J. ASTRUE, Commissioner Of Social Security,)	
Defendant.)	
	ORDER	

The defendant, Michael J. Astrue, Commissioner of Social Security, has moved this Court, pursuant to sentence four of 42 U.S.C.§405(g), to reverse and to find the plaintiff medically disabled on and after November 14, 2003. The defendant also moves the court for a remand for further administrative proceedings for the period on and after November 15, 2002 through November 13, 2003. Plaintiff consents to this motion.

On remand, the Appeals Council will remand the matter to an ALJ to reconsider the case for the contested period, with the following instructions:

- 1. Obtain medical expert testimony as to the severity and functional limitations of plaintiff's impairments;
- 2. Further consider plaintiff's mental residual functional capacity, and if DDS expert opinion is not adopted, explain and describe the evidence relied on in its stead;
- 3. Further consider treating source evidence, and if rejected, cite to the medical evidence relied on in its stead;
 - 4. Complete new physical and mental residual functional capacity assessments; and

5. Obtain vocational expert testimony that considers all of plaintiff's limitations.

Pursuant to the power of this Court to reverse and/or remand to the Commissioner of Social Security under sentence four of 42 U.S.C. §405(g), and in light of the parties' request to reverse in part and in part remand this action for further proceedings, this Court hereby

REVERSES the Commissioner for the period on and after November 14, 2003 and REMANDS the matter for further proceedings under sentence four of 42 U.S.C.§405(g) for the period of November 15, 2002 through November 13, 2003. See Melkonyan v. Sullivan, 501 U.S. 89 (1991).

Signed: August 8, 2007

David C. Keesler

United States Magistrate Judge